

MOSER LAW FIRM, PC



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May 24, 2024

**VIA ECF**

Hon. Lee G Dunst, USMJ  
United States District Court Eastern District of New York  
100 Federal Plaza, Courtroom 830  
Central Islip, NY 11722

Re: *Barahona et al v Paradise Tree Service & Landscape, Corp et al*,  
Case No. 21-cv-05400 (GRB)(AYS)

Dear Judge Dunst:

I represent the Plaintiffs in the above referenced action. Pursuant to the Court's order of May 10, 2024, we hereby furnish this status report regarding the status of settlement negotiations.

On Monday, May 13, 2024 we asked Mr. Nieto's former counsel if he would voluntarily disclose the contents of his affidavit in support of the motion to withdraw concerning Mr. Nieto's inability to pay. Mr. Ingolia declined. Mr. Nieto has also claimed an inability to pay, but has declined to provide any financial disclosure.

Mr. Nieto verbally made an offer to settle. We made a written counter-offer on Monday, May 19, 2024. Mr. Nieto and I spoke via telephone today. We are at an impasse in the settlement negotiations.

A proposed joint letter was texted to Mr. Nieto for his review at noon. He did not respond and we indicated that we would file a letter without consent. This letter was texted to Mr. Nieto at 1:00 PM to the cell phone number that he uses to communicate with our office.

Respectfully Submitted,

*Steven J. Moser*

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CC: William Nieto (Via Text Message)